

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VISION BIOSYSTEMS (USA) TRADING, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 03-CV-10391-GAO

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 05-CV-10614-GAO

VISION BIOSYSTEMS, INC.,

Defendant.

JOINT STATUS REPORT, STIPULATION AND [PROPOSED] ORDER

Ventana Medical Systems, Inc. and Vision BioSystems, Inc. respectfully submit this Joint Status Report, Stipulation and Proposed Order.

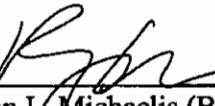
The parties previously submitted a Stipulation and Proposed Scheduling Order (Docket No. 47 in 05-CV-10614) that proposed certain discovery deadlines triggered by the issuance of the opinion of the United States Court of Appeals for the Federal Circuit, in *Ventana Medical Systems, Inc. v. BioGenex Laboratories, Inc.*, Case No. 06-1074 (“the BioGenex Appeal”). The Federal Circuit issued an opinion in the BioGenex Appeal on December 29,

2006, but has not yet issued its mandate. *See Exhibit A* hereto. The mandate will issue after any further proceedings on appeal (*e.g.*, petition for rehearing) are completed or after the time for such proceedings expire, and when jurisdiction may be regained by the District Court.

The parties have concluded that a further case schedule should not be adopted until the Federal Circuit issues its mandate. Issuance of the mandate will provide greater certainty as to the effect that the BioGenex Appeal may have on this litigation. Therefore, the parties believe that further proceedings would be most efficiently conducted under a revised schedule.

IT IS HEREBY STIPULATED by the parties to this action, subject to the order of the Court, that any outstanding scheduling deadlines are vacated. Within 21 days of issuance of the mandate in the BioGenex Appeal, the parties shall file a Joint Proposed Scheduling Order, proposing dates for subsequent deadlines in this litigation. If the parties cannot agree on proposed dates, the Joint Proposed Scheduling Order shall set forth the parties' respective proposals.

VENTANA MEDICAL SYSTEMS, INC.



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SO ORDERED this 8th day of February, 2007.



George A. O'Toole, Jr.
United States District Judge